

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SCIELE PHARMA, INC.,	)	
ANDRX CORPORATION, ANDRX	)	
PHARMACEUTICALS, INC. (N/K/A	)	
WATSON LABORATORIES, INC.-	)	
FLORIDA), ANDRX PHARMACEUTICALS,	)	C.A. No. 09-037 (RBK)(JS)
L.L.C., ANDRX LABORATORIES (NJ),	)	CONSOLIDATED
INC., ANDRX EU LTD., AND ANDRX	)	
LABS, L.L.C.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
LUPIN LTD., and	)	
LUPIN PHARMACEUTICALS, INC.,	)	
	)	
Defendants.	)	

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SHIONOGI PHARMA, INC.,	)	
ANDRX CORPORATION, ANDRX	)	
PHARMACEUTICALS, INC. (N/K/A	)	
WATSON LABORATORIES, INC.-	)	
FLORIDA), ANDRX PHARMACEUTICALS,	)	
L.L.C., ANDRX LABORATORIES (NJ),	)	
INC., ANDRX EU LTD., AND ANDRX	)	
LABS, L.L.C.,	)	
	)	C.A. No. 10-135 (RBK)(JS)
Plaintiffs,	)	
	)	
v.	)	
	)	
MYLAN, INC., and	)	
MYLAN PHARMACEUTICALS INC.,	)	
	)	
Defendants.	)	

**NOTICE OF FILING BOND**

PLEASE TAKE NOTICE that, pursuant to the Court's December 6, 2011 Order (D.I. 280), plaintiff Sciele Pharma, Inc. (n/k/a Shionogi Inc.) has posted a bond as surety for property and Collateral, a copy of which is attached hereto.

**PRELIMINARY INJUNCTION BOND**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

---

SCIELE PHARMA INC.,  
(N/K/A SHIONOGI PHARMA INC.),  
ANDRX CORPORATION,  
ANDRX PHARMACEUTICALS, INC.  
(N/K/A WATSON LABORATORIES, INC.,  
FLORIDA), ANDRX PHARMACEUTICALS  
L.L.C., ANDRX LABORATORIES (NJ), INC.  
ANDRX EU LTD., and ANDRX LABS, L.L.C.,

Plaintiffs,

Civil No. 09-0037 (RBK/JS)

v.

LUPIN LTD.,  
and LUPIN PHARMACEUTICALS, INC.,  
  
and MYLAN INC.,  
and MYLAN PHARMACEUTICALS, INC.

Defendants.

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Bond # 105718301

**KNOW ALL BY THESE PRESENTS:**

That we, Shionogi Inc. ("Plaintiff"), as principal, and Travelers Casualty and Surety Company of America, a corporation authorized to transact surety business in the State of Delaware, as surety, are held and firmly bound unto Lupin Ltd. and Lupin Pharmaceuticals, Inc. ("Defendants"), as obligee, in the maximum penal sum of Fifteen Million and No/100-----(\$15,000,000.00) DOLLARS, lawful money of the United States of America, for payment of which, well and truly to be made, we bind ourselves, our heirs, legal representatives, successors and assigns, jointly and severally, firmly by these presents.

Whereas, the above named Plaintiff has duly applied to this Court for a preliminary injunction against the above named Defendants, and the Court has granted such injunction by Order dated December 6, 2011.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the said Plaintiff shall pay the said Defendants such damages as it sustains by reason of said preliminary injunction if the Court finally decides that the said Plaintiff is not entitled thereto, then this obligation shall be void; otherwise, to remain in force and effect.

IN NO EVENT shall the liability of Travelers Casualty and Surety Company of America exceed the amount of Fifteen Million and No/100---(\$15,000,000.00) Dollars.

SIGNED AND SEALED this 12th day of December, 2011.

Travelers Casualty and Surety Company of America

By: Sunaina Shah 12/12/2011  
Sunaina Shah Attorney in Fact

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA  
ATTORNEY-IN-FACT JUSTIFICATION  
PRINCIPAL'S ACKNOWLEDGMENT – IF A CORPORATION

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me personally appeared \_\_\_\_\_ to me know, who, being by me duly sworn, deposes and says: That he/she resides in the City of \_\_\_\_\_ that he/she is the \_\_\_\_\_ of \_\_\_\_\_, the corporation described in and which executed the within instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

Signature \_\_\_\_\_ Seal \_\_\_\_\_

PRINCIPAL'S ACKNOWLEDGMENT – IF INDIVIDUAL OR FIRM

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me personally appeared \_\_\_\_\_ to me known to be (the individual) (one of the firm of \_\_\_\_\_) described in and who executed the within instrument, and he/she thereupon duly acknowledged to me that he/she executed the same (as the act and deed of said firm).

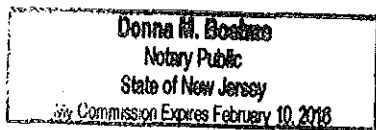
Signature \_\_\_\_\_ Seal \_\_\_\_\_

SURETY COMPANY'S ACKNOWLEDGMENT

State of New Jersey  
County of Middlesex

On this 12th day of December in the year 2011, before me personally appeared Sunaina Shah to me known, who, being by me duly sworn, did depose and say: That he/she resides in the City of Edison, N.J.; that he/she is Attorney-in-Fact of **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**, the corporation described in and which executed the within instrument; that he/she knows the corporate seal of said Company; that **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**, is qualified to become and be accepted as surety or guarantor on all bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law; and that such certificate has not been revoked.

Donna M. Boehme  
Notary Public





## POWER OF ATTORNEY

Farmington Casualty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.  
St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company  
Travelers Casualty and Surety Company  
Travelers Casualty and Surety Company of America  
United States Fidelity and Guaranty Company

Attorney-In Fact No. 222705

Certificate No. 003825483

KNOW ALL MEN BY THESE PRESENTS: That St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Dennis J. Chamberlain, Donna M. Boehne, Mark A. Agostinelli, Stephen W. Rogers, Katie J. Madalone, Joseph B. Powers, Claribel Tinoso, Christopher Perry, George Ross, Sunaina Shah, Thomas M. Schlomann, Patricia Gerry, Gina Taibi, Michael Thero, and Marximiliano Pozo

of the City of Edison, State of New Jersey, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 6th day of August, 2010.

Farmington Casualty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.  
St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company  
Travelers Casualty and Surety Company  
Travelers Casualty and Surety Company of America  
United States Fidelity and Guaranty Company



State of Connecticut  
City of Hartford ss.

By: George W. Thompson

George W. Thompson, Senior Vice President

On this the 6th day of August, 2010, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.  
My Commission expires the 30th day of June, 2011.



Marie C. Tetreault  
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 12<sup>th</sup> day of December, 20 11.

  
Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.travelersbond.com](http://www.travelersbond.com). Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

## TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

HARTFORD, CONNECTICUT 06183

FINANCIAL STATEMENT AS OF JUNE 30, 2011

CAPITAL STOCK \$ 6,480,000

ASSETS		LIABILITIES & SURPLUS	
CASH AND INVESTED CASH	\$ 114,672,285	UNEARNED PREMIUMS	\$ 799,704,180
BONDS	3,546,592,212	LOSSES	941,939,863
INVESTMENT INCOME DUE AND ACCRUED	48,089,952	REINSURANCE PAYABLE ON PAID LOSSES & LOSS ADJ. EXPENSES	2,254,067
OTHER INVESTED ASSETS	422,372,168	LOSS ADJUSTMENT EXPENSES	518,743,284
PREMIUM BALANCES	270,891,422	COMMISSIONS	21,334,250
NET DEFERRED TAX ASSET	61,045,090	TAXES, LICENSES AND FEES	54,624,698
REINSURANCE RECOVERABLE	15,379,846	OTHER EXPENSES	19,842,342
RECEIVABLES FROM PARENT, SUBSIDIARIES AND AFFILIATES	60,449,587	FUNDS HELD UNDER REINSURANCE TREATIES	94,887,688
SECURITIES LENDING REINVESTED COLLATERAL ASSETS	5,022,088	CURRENT FEDERAL AND FOREIGN INCOME TAXES	38,210,145
UNDISTRIBUTED PAYMENTS	4,508,704	REMITTANCES AND ITEMS NOT ALLOCATED	16,181,415
OTHER ASSETS	12,518	AMOUNTS WITHHELD / RETAINED BY COMPANY FOR OTHERS	28,557,326
		RETROACTIVE REINSURANCE RESERVE ASSUMED	3,378,189
		POLICYHOLDER DIVIDENDS	6,951,585
		PROVISION FOR REINSURANCE	6,357,627
		PAYABLE FOR SECURITIES	24,688,653
		PAYABLE FOR SECURITIES LENDING	5,022,088
		CEDED REINSURANCE NET PREMIUMS PAYABLE	(36,778,093)
		ESCHEAT LIABILITY	653,441
		OTHER ACCRUED EXPENSES AND LIABILITIES	314,201
		TOTAL LIABILITIES	\$ 2,643,876,949
		CAPITAL STOCK	\$ 6,480,000
		PAID IN SURPLUS	433,803,780
		OTHER SURPLUS	1,585,473,183
		TOTAL SURPLUS TO POLICYHOLDERS	\$ 2,005,756,923
TOTAL ASSETS	\$ 4,549,633,872	TOTAL LIABILITIES & SURPLUS	\$ 4,549,633,872

STATE OF CONNECTICUT )  
COUNTY OF HARTFORD ) ss.  
CITY OF HARTFORD )

MICHAEL J. DOODY, BEING DULY SWORN, SAYS THAT HE IS SECOND VICE PRESIDENT, OF TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, AND THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE FOREGOING IS A TRUE AND CORRECT STATEMENT OF THE FINANCIAL CONDITION OF SAID COMPANY AS OF THE 30TH DAY OF JUNE, 2011.

*Michael J. Doody*  
SECOND VICE PRESIDENT

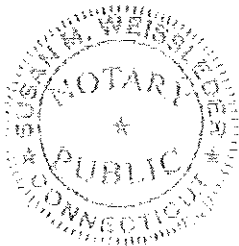
SUBSCRIBED AND SWORN TO BEFORE ME THIS  
15TH DAY OF SEPTEMBER, 2011

*Susan M. Weissleder*  
NOTARY PUBLIC

SUSAN M. WEISSELEDER

Notary Public

My Commission Expires November 30, 2012



MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Karen Jacobs Louden*

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*Attorneys for Plaintiff Sciele Pharma, Inc.  
(n/k/a Shionogi, Inc.)*

December 12, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2011, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to all registered participants.

I also certify that copies were caused to be served on December 12, 2011 upon the following in the manner indicated:

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Pharmaceuticals, L.L.C., Andrx Laboratories  
(NJ), Inc., Andrx EU Ltd. and Andrx Labs,  
L.L.C.*

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(NJ), Inc., Andrx EU Ltd. and Andrx Labs,  
L.L.C.*

*VIA ELECTRONIC MAIL*

*/s/ Karen Jacobs Louden*

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Karen Jacobs Louden (#2881)